**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION No : 18937 of 2005**

**Dated: 25-08-2005**

**Between:**

C. Subramanyam,

S/o. Late C.V. Ramana Murthy,

Aged about 59 years,

R/o. H.No.8-32/1, Plot No.13, Hema Nagar,

Uppal, Hyderabad and another.

Petitioners…

And

The District Collector,

Ranga Reddy District and others.

Respondents…

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

**ORDER:**

This writ petition is filed seeking Mandamus to declare the action of the respondents, in laying drainage pipeline in the petitioners plot Nos.319 and 282 in Survey No.215 (part) of Boduppal Village Ghatkesar Mandal, Ranga Reddy District, as arbitrary and illegal and for a consequential direction to the respondents not to lay the drainage pipeline in the petitioners plot, without following due process of law.

The case of the petitioners is that they are the pattadars owning house sites in plot Nos.319 and 282 admeasuring 300 square yards each in Survey No.215 (part) situated at Boduppal Village, Ghatkesar Mandal Ranga Reddy District. The said plots were purchased in the year 2004 and 1990 respectively, under a

registered sale deed. They claim that since then, they have been in peaceful possession and enjoyment of the same.

The grievance of the petitioners in this writ petition is that the 2nd and 3rd respondents, at the behest of the some interested persons, proposed to lay drainage pipeline in the premises in question. The petitioners state that the 2nd and 3rd respondents had visited the premises and gave markings to lay the drainage pipeline up to 10 feet in the premises in question. The petitioners allege that the respondents have no right or authority to trespass into their premises for any purpose, including the alleged public purpose, and they cannot be dispossessed from their respective property without following due process of law; moreover, no proceedings have been initiated for acquiring the premises in question for a public purpose by issuing notification under Section 4(1) of the Land Acquisition Act.

Heard the learned counsel appearing on either side and perused the material on record.

Having considered the facts and circumstances of the case, without going into the merits, I deem it appropriate to dispose of the writ petition with the following direction.

The respondents, before proceeding to lay the drainage pipeline in the petitioners' plot, viz. Plot Nos.319 and 282 in Survey No.215 (part) of Boduppal Village Ghatkesar Mandal, Ranga Reddy District, shall necessarily follow the due procedure contemplated under Section 59 of the A.P. Gram Panchayat Act.

The Writ Petition is accordingly disposed of at the stage of admission. No order as to costs.

_____

**ELIPE DHARMA RAO, J**

Dated: 25-08-2005

LSK/DSK